

DECLARATION OF LAURIE J. BARTILSON

I, LAURIE J. BARTILSON, hereby declare and state:

1. I am a partner in the firm of Bowles & Moxon, which is co-counsel of record for defendants in the above-captioned case. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto.

2. On August 19, 1991, at approximately 10:30 a.m., I called the offices of Ford Greene in San Anselmo, California. The telephone was answered by an answering machine, which played a message stating that Ford Greene had had an emergency, and would not be able to return any calls until Monday, August 19. I left a message on the machine, giving my name and telephone number, and requesting that Mr. Greene contact me concerning service of the papers which he had due to be filed that day.

3. At approximately 1:15 p.m. on August 19, 1991, I again called Greene's offices. This time a man answered the telephone, and offered to take a message for Ford Greene. When I asked the man for his name, he told me that he was Gerry Armstrong. I was surprised to hear this, as I knew that until recently, Mr. Armstrong had been working as a paralegal for Joseph Yanny. I explained to Mr. Armstrong that I wanted to coordinate service of the papers with Mr. Greene, and offered to have a courier pick them up from Greene's offices. Mr. Armstrong promised to relay the message.

4. At approximately 2:15 p.m. on August 19, 1991, Mr. Greene returned my call. I was tied up, but called him back shortly thereafter. Mr. Greene informed that the papers "were

1 at Kinko's" being copied, and that he had been told that they
2 would be ready between 5:00 and 6:00. He agreed to call my
3 offices when they were ready for pickup.

4 5. I later discovered that my San Francisco courier had
5 already left for San Anselmo. As the drive was substantial, he
6 decided to simply wait at Mr. Greene's office until the papers
7 were ready,

8 6. Mr. Greene did not give the courier copies of the
9 papers until approximately 9:00 p.m. The courier then called
10 my offices, and listed the materials which he had been given.
11 The quantity of papers was substantially smaller than I had
12 expected.

13 7. At approximately 9:45 p.m., I called Mr. Greene's
14 offices, and once again spoke with Mr. Greene. I told him
15 that I wanted to review with him what I the courier had gotten,
16 as it seemed incomplete. Mr. Greene interrupted me, and said,
17 "Let me make it easier for you. Let me tell you what you don't
18 have. You don't have any separate statements with the summary
19 judgment oppositions, you don't have an opposition to the
20 motion to dismiss, you don't have an opposition to the Singer
21 motion, and you don't have an opposition to the Rule 42
22 motion."

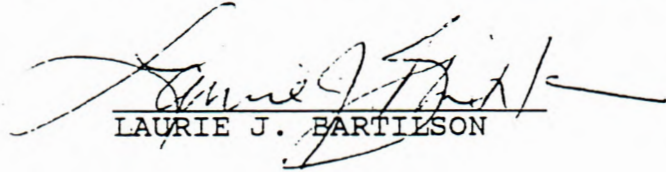
23 8. I asked Mr. Greene why it was that I had not been
24 served with these papers. He stated that I had not been served
25 because they were not completed and had not yet been filed. He
26 stated that he planned to continue to work on them and to file
27 them late. He said, "I assume that you all will object to
28 that." I told him that I thought that we would, and expressed

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the view that the Court would be likely to object as well,
since the deadlines were imposed by the Court.

I declare under the penalties of perjury under the laws of
the United States of America that the foregoing is true and
correct.

Executed this 23rd day of August, 1991, at Los Angeles,
California.


LAURIE J. BARTILSON